IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.282 OF 2005

IFCI Ltd. ..Petitioner

Vs.

Shogun Organics Ltd.
and Ors. ..Respondents

...

Mr.S.G.Mishra i/s SRS Legal Advocates for Petitioner
Mr.S.J.Panicker Advocate for Respondents

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 6, 2006

P.C.

1. The learned Tribunal as also the learned Appellate Tribunal, from the facts of the record, came to the conclusion that no mortgage was created by Respondent No.3. The Tribunal came to the conclusion that Respondent No.3 Company had not created the mortgage as there was no reference about the mortgage of defendant no.3's property in the resolution. In these circumstances, the learned Appellate Tribunal found that the finding of the learned Tribunal that no authorisation had

been conferred to create the mortgage, could not be interfered. This is purely a finding of fact.

2. Apart from that, we are also informed that in the meantime, the amount has been paid. For the aforesaid reasons, we find no case for interference. Petition is dismissed.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]